

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA (ATLANTA)

DEVONTE MITCHELL, *on behalf*)
of himself and all others similarly)
situated,)
Plaintiff,)
v.)
ALLIED INTERNATIONAL)
CREDIT CORP., *a Delaware*)
Corporation,)
Defendant.)
Case No.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and 1367, defendant, Allied International Credit Corp. (“AICC”), hereby removes the above-captioned civil action from the State Court of Cobb County, State of Georgia, to the United States District Court for the Northern District of Georgia. The removal of this civil action is proper because:

1. Plaintiff, Devonte Mitchell (“plaintiff”), filed suit in the State Court of Cobb County, State of Georgia, captioned as *Devonte Mitchell, on behalf of himself and all others similarly situated v. Allied International Credit Corp.*, Case No. 18-A-3010 (hereinafter the “State Court Action”), against AICC.

2. Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, AICC removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.

3. The Summons and Complaint in the State Court Action asserts claims under the federal Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original federal question jurisdiction over plaintiff’s TCPA claims pursuant to 28 U.S.C. § 1331.

5. Pursuant to 28 U.S.C. § 1446(b), AICC has timely filed this Notice of Removal. AICC was served with the Summons and Complaint on November 20, 2018. This Notice of Removal is being filed within 30 days of service of the Summons and Complaint on AICC.

6. Attached hereto as **Exhibit A** and incorporated by reference as part of this Notice of Removal is a true and correct copy of the Summons and Complaint and filings in the State Court Action. No further proceedings have taken place in the State Court Action.

7. A copy of this Notice of Removal is being sent concurrently to the State Court of Cobb County, State of Georgia. *See Exhibit B*, attached hereto.

8. The State Court of Cobb County, State of Georgia is located within the Northern District of Georgia. Therefore, venue for purposes of removal is proper because the United States District Court for the Northern District of Georgia embraces the place in which the removed action was pending. *See* 28 U.S.C. § 1441(a).

9. Removal of plaintiff's State Court Action is proper under 28 U.S.C. §§ 1441 and 1446.

WHEREFORE, Allied International Credit Corp. hereby removes the State Court Action to this Honorable Court.

Dated: December 20, 2018

Respectfully Submitted,

/s/ Kirsten H. Smith
KIRSTEN H. SMITH (#702220)
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Attorney for Defendant,
Allied International Credit Corp.

CERTIFICATE OF SERVICE AND COMPLIANCE

I hereby certify that on December 20, 2018, a copy of the foregoing was electronically filed with the Clerk of the Court, United States District Court for the Northern District of Georgia and served by U.S. Mail and sent electronically to the following:

Justin T. Holcombe, Esq.
Kris Skarr, Esq.
SKAAR & FEAGLE, LLP
133 Mirramont Lake Drive
Woodstock, GA 30189

James M. Feagle, Esq.
Cliff R. Dorsen, Esq.
SKAAR & FEAGLE, LLP
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Tucker, GA 30084

I additionally certify that the above-referenced document has been prepared in Times New Roman (14 point) font and this satisfies the font size requirements of this Court.

/s/ Kirsten H. Smith
Kirsten H. Smith